

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAYNE WEBER,

Defendant.

CASE NO. 8:08CR209

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's second amended motion for leave to hire an expert (Filing No. 44).

The Defendant pleaded guilty to Count I of the Indictment charging her with a violation of 18 U.S.C. § 1343. Defense counsel is retained. The Defendant's request is made in light of the government's assertion of the loss amount and the Defendant's right, reserved in the plea agreement, to contest this amount. The government asserts that the loss amount for guideline and restitution purposes is approximately \$500,000. (Filing No. 23.)

Pursuant to the Court's order (Filing No. 43), an updated financial affidavit in the form of a CJA 23, was submitted to the undersigned Judge. The relevant standard states:

Investigative, expert or other services necessary to adequate representation, as authorized by subsection (e) of the Act, shall be available to persons who are eligible under the Act, including persons who have retained counsel but who are found by the court to be financially unable to obtain the necessary services. In this connection, a person with retained counsel is financially unable to obtain the necessary services if his resources are in excess of the amount needed to provide him and his dependents with the necessities of life, provide defendant's release on bond, and pay a reasonable fee to his retained counsel, but are insufficient to pay for the necessary services.

7 *Guide to Judiciary Policies and Procedures*, Appointment of Counsel in Criminal Cases, Sec. A, Ch. III, Part A, ¶ 3.01.

The amount requested is approximately \$7,000 to \$10,000. The maximum allowable amount for such expert services payable from CJA funds is generally \$1,600, unless specifically approved by the Chief Judge of the Eighth Circuit Court of Appeals, in addition to the district court judge. *Id.*, ¶ 3.02. Although the Court has not been provided with information relating to the Defendant's fee arrangement with retained counsel, the Court concludes that given the extent of the Defendant's assets, she is not entitled under the relevant standard to any compensation for investigative or expert services. Therefore, the Defendant's request for funds for investigative services is denied.

IT IS ORDERED that the Defendant's second amended motion for leave to hire an expert (Filing No. 44) is denied.

DATED this 16th day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge